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8

9 **IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

10 Rebekah Massie; and Quintus Schulzke,

11 Case No: 2:24-cv-02276-ROS--DMF

12 *Plaintiffs,*

13 v.

14 City of Surprise, a municipal corporation  
and a governmental entity; Skip Hall, in his  
individual capacity; and Steven Shernicoff,  
in his individual capacity,

15

16 **STIPULATED MOTION TO**  
**MODIFY AND EXTEND**  
**DEADLINES**  
**(Second Request)**

17 *Defendants.*

18

19 Plaintiffs Rebekah Massie and Quintus Schulzke and Defendants City of Surprise,  
a municipal corporation and a government entity, Skip Hall, in his individual capacity, and  
Steven Shernicoff, in his individual capacity, by and through undersigned counsel, hereby  
20 file this stipulated motion for an extension of time for Defendants to answer or respond  
otherwise to Plaintiffs' Complaint.

1 As required by Arizona law, Plaintiff Massie intends to file a notice of claim with  
2 the City of Surprise concerning potential state law claims. (A.R.S. § 12-821.01.) After the  
3 expiration of the 60-day notice period required by Arizona Revised Statute section 12-  
4 821.01(E), Plaintiffs will then file a first amended complaint to add Arizona state law  
5 claims covered by the notice of claim. Defendants consent to the filing of a First Amended  
6 Complaint, but without waiving any defenses that may be brought by answer or motion.

7 To preserve judicial resources and to avoid the need for Defendants to respond to a  
8 complaint that will soon be superseded, the parties have conferred and request the Court  
9 set the following deadlines:

- 10 a. Plaintiffs' deadline to serve a notice of claim: **Nov. 13, 2024**;
- 11 b. Plaintiffs' deadline to file a First Amended Complaint: **Jan. 17, 2025**;
- 12 c. Defendants' deadline to respond to First Amended Complaint: **Feb. 7, 2025**.

13 This is the second request for an extension of Defendants' deadline under Federal  
14 Rules of Civil Procedure Rule 12. On September 26, 2024, the parties stipulated to an  
15 extension to the current deadline, November 4, 2024, to allow Defendants the opportunity  
16 to investigate Plaintiffs' claims.

17 This Motion is made for good cause, in good faith, and not for the purpose of undue  
18 delay. A proposed form of Order is lodged alongside this stipulation.

19  
20 Dated: November 4, 2024

Respectfully submitted,

21 /s/ Adam B. Steinbaugh  
22 Adam B. Steinbaugh\*  
(Penn. 326475 / Cal. 304829)

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16 By: s/ James M. Jellison<sup>†</sup>  
17 James M. Jellison, Esq. (012763)

18 *Attorney for Defendants City of Surprise, Skip*  
19 *Hall and Steven Shernicoff*

20 <sup>†</sup> Signed by Adam Steinbaugh with permission.

1 **CERTIFICATE OF SERVICE**

2 I certify that a true and exact copy of the foregoing document has been served  
3 upon the counsel for the parties in interest by operation of the Court's electronic case  
4 filing system.

5 /s/ Adam B. Steinbaugh  
6 Adam B. Steinbaugh